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SIPDIS

STATE PLEASE PASS TO USTR FOR ERIN MCCONAHA, JENNIFER CHOE GROVES,
CHRISTOPHER WILSON
STATE PLEASE PASS TO EEB/TPP/IPE FOR TOM O'KEEFE, JOELLEN URBAN,
TIMOTHY MCGOWAN
DEPT OF COMMERCE FOR SUSAN WILSON
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SUBJECT: IPR IN ITALY - AMERICAN VOICES AMONG ITALIAN ELITE

REF: (A) ROME 1047

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Summary
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¶1. (U) Three American speakers, recruited by Embassy Rome, recently spoke at an intellectual property rights (IPR) conference held in Rome. The two USG speakers and one private sector speaker spoke on issues of IPRs and competition law, emerging areas of patent law, and U.S. approaches to copyright. This conference allowed U.S. perspectives to be heard at a gathering of Italian academics and IP professionals who are influential in the field. End summary.

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LUISS CONFERENCE - IPR: CONVERGENCES AND DIVERGENCES
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¶2. (U) Embassy Rome was co-sponsor of a seminar hosted by LUISS Guido Carli University. LUISS is a prestigious private university sponsored by Confindustria, Italy's largest industry association. The Queen Mary Intellectual Property Research Institute of the University of London was also a sponsor. The goal was to discuss differences and similarities in IPR law in the U.S., Europe and Asia.

¶3. (U) The Embassy, with assistance from USTR and the IP office at the State Department, recruited three speakers: Michael Shapiro, from the USPTO, Alden Abbott, deputy director of special projects in the international office of the Federal Trade Commission, and Jorge Goldstein, a leading American biotech patent attorney. Speakers from LUISS University addressed EU issues, while the Queen Mary Institute provided lectures focusing on China and India.

¶4. (U) Participants addressed a number of complex matters including the intersection of IPR and competition law, the patenting of genetic resources, and fair use. Differences in legislation, approach and philosophy emerged, but there was much discussion of similarities. There was a particular interest in the U.S. approach to fair use.

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COMMENT
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¶5. (U) Participants and speakers were scholars and professionals who wield influence in the IPR realm, in Italy and in some cases in

other parts of the EU. For example, the GOI often creates consulting committees when studying reforms or proposing new legislation and university professors are usually a large part of these committees. As such, this forum provided an important opportunity for a U.S. perspective to be heard.

¶6. (U) Italian academics, while willing to discuss the value of patents and recognizing the need for trademark protection, are often weak supporters of strong copyright protection. The conference offered one immediate example of the importance of a U.S. perspective in this debate. Gustavo Ghidini, conference organizer and one of Italy's IP czars, has often taken position against strong copyright protection. Under the previous Prodi government, Ghidini was an active and influential member of the Culture Ministry committee tasked with drafting a comprehensive IP reform package. On that project, Ghidini had been an advocate of significantly weaker copyright protection legislation which the draft package reflected. Although the draft legislation was scuttled after the fall of the Prodi government, we have had an ongoing dialogue with Ghidini on this matter. At the conference, in his closing remarks, Ghidini actually spoke in favor of copyright protection as a key, alongside with patents, to advancing the process of innovation and progress in knowledge-based societies.

THORNE